

Region 1

Hot Topics

CWA Order Issued to Lynn Water and Sewer Commission

On April 9, Region 1 issued a Clean Water Act administrative order (AO) to the Lynn Water and Sewer Commission (LWSC) in Lynn, MA for violations of the effluent limits contained in its NPDES permit. LWSC operates a collection system and water pollution control facility that discharge to Lynn Harbor. The Order requires LWSC to submit an operation and maintenance optimization plan which identifies measures that should be taken to prevent future effluent limit violations. These measures must be implemented as part of the Order.

US District Court Approves Consent Decree with Emhart/Black & Decker

On April 8, following years of litigation and negotiation, the US District Court approved Region 1's Consent Decree with Emhart/Black & Decker. This constitutes a 100% recovery including performance of the \$100 million remedy, payment of all future costs, and \$42 million in past costs. The Court vacated its prior decision finding certain aspects of the ROD arbitrary and capricious, and made an explicit finding that "the remedial action described in the ROD... is not inconsistent with CERCLA and the National Contingency Plan." Beyond the Agency being made whole, this decision means Region 1 is no longer involved in the ongoing litigation between Emhart and other parties.

\$1.05 Million in Costs Recovered from General Electric for Housatonic River Site

On March 28 the General Electric Company (GE) paid in full Region 1's cost recovery demand of \$1,056,051.90 under the Consent Decree governing the cleanup of the Housatonic River and Pittsfield, MA. Pursuant to the ongoing Decree, Region 1 bills GE annually for reimbursement of EPA and U.S. Department of Justice costs incurred.

Region 1 Issues CWA Administrative Order Town of Hardwick, MA

On April 10, EPA issued a CWA AO to the Town of Hardwick, MA for violations of the effluent limits contained in its NPDES permit. The Town owns and operates two wastewater treatment facilities that discharge to the Ware River. The AO requires the Town conduct and submit a feasibility study which will investigate upgrading the treatment plants as well as other alternatives for treating the Town's sanitary waste.

Upcoming Major Decisions and Events

Portsmouth, NH to Host 30th Annual Nonpoint Source Program Conference/NPS Workgroup Meeting

On Apr 18-19, the 30th Annual Nonpoint Source Program conference will be held in Portsmouth, NH. This year's conference will be hosted by NE Interstate Water Pollution Control Commission (NEIWPCC), New Hampshire and Region 1. Planned sessions include: CWA § 319 funded projects; hydromodification; green infrastructure; coastal nutrient management; climate resiliency; and other major NPS issues.

Office of Research and Development Director to Visit Region 1

Office of Research and Development (ORD) Director Jennifer Orme-Zavaleta, Deputy Director Chris Robbins and other ORD experts will visit Region 1 and MADEP's Lab at the Wall Experiment Station in Lawrence, MA on April 16. The goal is for ORD to share its tools and resources and to discuss three issues of most concern for the state: PFAS, microbial source tracking pathogens in ambient waters, and cyanotoxins in drinking water sources.

Region 2
Hot Topics:

Ex. 5 DP / Ex. 7(A)

Region 3
Hot Topics

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Region 4
Hot Topics

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Region 5
Hot Topics

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Ex. 5 DP / Ex. 7(A)

Region 6

Hot Topics

Intercontinental Terminals Company (ITC) LLC, Deer Park, Texas

ITC continues operations to transfer materials from the damaged tanks and recover materials from Tucker Bayou and the Houston Ship Channel. About 5.8 miles of non-continuous riverbank has been impacted and materials are mostly contained by booming. The Ship Channel has been reopened with restrictions to commerce. Air monitoring continues and will be revisited once tanks are emptied. Water sampling also continues. Onsite storage of collected material and recovery water for testing and disposal is emerging as a challenge and options are being evaluated. Several public meetings are being planned during the upcoming Congressional recess. EPA has been invited to participate. High Congressional and Media Interest

Ex. 5 Deliberative Process (DP)

Upcoming Major Decisions and Events

Texas 2015 Ozone Infrastructure SIPs, Texas

By April 25, EPA anticipates a proposal approval of two Texas SIPs demonstrating that the existing Texas SIP satisfies the requirements for the CAA for transport elements and interstate and international pollution abatement.

Pueblo of Santa Ana TAS Application, New Mexico

By April 25, EPA anticipates final approval of the Santa Ana Pueblo's TAS application under CAA authority for Sections 105, 107(d)(3), 126, and 505(a)(2). The action will authorize the Pueblo to apply for funding under CAA 105 provisions and receive notifications of CAA permit applications.

2008 Ozone Standard Volatile Organic Compound SIP and Reasonably Achievable Control Technology, Houston/Galveston/Brazoria, Texas

By April 26, EPA anticipates final approval of the Texas' 2008 Reasonably Achievable Control Technology (RACT) demonstration for the Houston/Galveston/Brazoria non-attainment area.

Beaumont/Port Arthur Re-designation/Maintenance Plans for 1-hour and 1997 8-hour Ozone Standards, Beaumont/Port Arthur, Texas

By April 26, EPA anticipates proposed approval of Texas SIP revisions for the old 1-hour and 1997 8-hour ozone air quality standards for the Beaumont/Port Arthur area.

April 25 Nuclear Weapon Accident/Incident Exercise 2019, Amarillo, Texas

May 5-7 Interstate Oil & Gas Compact Commission, Oklahoma City, Oklahoma

Region 7
Hot Topics

Technical Assistance to NDEQ: Alt-En Ethanol; Mead, Nebraska

Key Message:

Concerns from citizens in Mead, Nebraska over contents of process related materials

NDEQ to sample wet cake, sludge, wastewater & seed corn

Laboratory analysis for a wide range of pesticides, fungicides, herbicides, and metals by multiple labs

Region 7 laboratory supporting for soil / solid / water TCLP and total metals analysis

Ex. 5 DP / Ex. 7(A)

Region 8

Hot Topics

Electric Arc Furnace (EAF) Slag from EVRAZ Rocky Mountain Steel Mill and Harsco Minerals & Metals

On April 9, 2019, the EPA and the Colorado Department of Public Health and Environment (CDPHE) met with representatives of EVRAZ and Harsco to discuss a joint R8 and CDPHE March 11, 2019, request for information and analytical data. The EPA explained the information and analytical data requested, responded to questions and provided clarifying information. The EPA also provided an update of the planned slag sampling at the nearby Colorado Smelter Superfund site and committed to sharing a copy of a previous data report from a residential yard in the Superfund study area. Additional EPA follow-up with the Companies is planned regarding the 2011 risk assessment to fully convey specific EPA questions and concerns regarding that study. EVRAZ and Harsco agreed to respond in writing by April 16, 2019, indicating their intent to work collaboratively with the Agencies to provide existing slag analysis data collected by Harsco, and to provide a schedule for responding to the information request and for developing a sampling plan.

Silver Bow Creek/Butte Superfund Site Proposed Plan Released

On April 11, 2019, the EPA released proposed changes to the existing 2006 Record of Decision (ROD), as modified by the 2011 Explanation of Significant Differences (ESD) for cleanup of the Butte Priority Soils Operable Unit (BPSOU) of the Silver Bow Creek/Butte Area Superfund Site. The release of the proposed plan starts a 60-day public comment period ending on June 11, 2019. In addition, on April 11, 2019, the EPA, the state of Montana, Butte-Silver Bow County and Atlantic Richfield issued a letter to the Restore Our Creek Coalition (ROCC) which proposes end land use plans within the Silver Bow Creek corridor in Butte at the request of ROCC, e.g., a lined water feature, a pond and landscaping. The EPA continues to negotiate a consent decree with the state of Montana, Butte-Silver Bow County and Atlantic Richfield under the 135-day notice of negotiation period which began on March 29, 2019.

Crow Agency community remains under a boil order due to low water pressure (Montana)

The Crow Agency community remains on a boil order (Emergency Administrative Order issued on Friday, 3/15). All parts of the community now have water service and BIA will flush the system once tank levels are adequate. Following flushing, special samples will be collected. If special samples indicate the water is safe, the boil order can be lifted.

Upcoming Major Decisions and Events

None to report.

Region 9

Hot Topics:

CWA Stipulated Penalties

We assessed \$84.5K in stipulated penalties to StarKist for ongoing consent decree violations relating to safety and environmental actions at its tuna cannery, including unauthorized discharges to Pago Pago Harbor in American Samoa. We will split the penalties with American Samoa EPA.

CAA Mobile Sources

We recommended to Customs & Border Protection the seizure and/or export of shipments of forklifts and chainsaws into the Ports of Los Angeles/Long Beach which violate CAA requirements.

Upcoming Major Decisions and Events

DOD projects in the outer Pacific

Water Director Tomas Torres will join Navy, NMFS, Marine Corps and Army Corps senior leaders in Honolulu April 18 to discuss pending DOD projects in the outer Pacific which may affect water quality and marine resources. He will meet with Hawaii Dept. of Health and Hawaii Congressional staff to discuss the continued high levels of unliquidated obligations (ULOs) in the State Revolving Fund.

Navajo Nation

Regional Administrator Mike Stoker will meet with Navajo Nation President Jonathan Nez and Speaker Seth Damon in Window Rock. They will host an "Industry Days" event where companies can learn of EPA's forthcoming contracting opportunities related to our assessment and remediation of abandoned uranium mines. The RA will tour several of the abandoned mines in different parts of the vast Navajo Nation.

Air Quality

We joined the local air district and over 100 industry, retail and residential partners in Portola, CA on April 6 for the annual fair to demonstrate cleaner-burning wood stoves. Wood burning accounts for 76% of the annual PM 2.5 emissions in this nonattainment area. EPA is funding 600 stove replacements with a \$2.48 mil. Targeted Airshed grant; over 280 stoves have been replaced to date.

Region 10
Hot Topics

Ex. 5 DP / Ex. 7(A)

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Office of Air and Radiation
Hot Topics

Ex. 5 DP / Ex. 7(A)

Office of Chemical Safety and Pollution Prevention
Hot Topics

Ex. 5 DP / Ex. 7(A)

Office of the Chief Financial Officer
Hot Topics

Ex. 5 DP / Ex. 7(A)

Office of the Congressional and Intergovernmental Relations

Hot Topics

Ex. 5 DP / Ex. 7(A)

Office of Enforcement and Compliance Assurance
Hot Topics:

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Office of General Counsel
Hot Topics

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Office of International and Tribal Affairs
Hot Topics

Ex. 5 DP / Ex. 7(A)

Office of the Land and Emergency Management
Hot Topics

Ex. 5 DP / Ex. 7(A)

Office of Mission Support
Hot Topic

Ex. 5 DP / Ex. 7(A)

Office of Policy
Hot Topic

Ex. 5 DP / Ex. 7(A)

Ex. 5 DP / Ex. 7(A)

Office of Research and Development

Hot Topic

Ex. 5 DP / Ex. 7(A)

Office of Water
Hot Topic

Ex. 5 DP / Ex. 7(A)